

DERKS-- 10/042,286 -- Amendment filed June 28, 2004  
Client/Matter: 121640-40283274  
Page 6

### **REMARKS**

Further to the Advisory Action which issued in this application on June 24, 2004, Applicants hereby resubmit the Amendment previously filed on May 27, 2004, with the complete version of claim 11 (amended herein). For the Examiner's convenience, Applicants also submit herewith the same remarks that accompanied with the Amendment previously filed.

Withdrawal of the final rejection, entry of the above amendments to the claims, and favorable reconsideration is respectfully requested.

Upon entry of the above amendments, claims 1-5, 8-14, 17-18, 21-25 and 27-28, will remain pending, with independent claim 1 being amended by incorporation therein of the subject matters of claims 7, 12 and 15. Claim 12 is amended by reciting a more preferred value for the amount of the neutralizing system (see, e.g., page 12, line 7).

Claims 1 and 2 are further amended to reinsert language and terminology from the original claims but which was inadvertently omitted or changed, in the previous reply. Specifically, the phrase, "after the formation of the esters of (meth)acrylic acid" is re-inserted into claim 1 and the term "components" is re-inserted for "compounds" (or equivalent).

Accordingly, no new matter is added and no new issues requiring further consideration or search are presented by the amended claims. Therefore, entry of the proposed amendments, after final rejection, will place the application in condition for allowance, or at least in better form for purposes of appeal and the entry of the amendments is respectfully requested.

Reconsideration and withdrawal of the rejection of claims 1-15, 17, 18 and 21-29, under 35 U.S.C. § 103(a) as unpatentable over Reich in view of Larsen is respectfully requested for at least the following reasons.

In repeating this rejection the Examiner has apparently recognized that the evidence presented by the examples in the subject application demonstrated unexpected results. However, the evidence was not considered to be commensurate in scope with the pending claims.

Accordingly, and without intending to abandon any disclosed subject matter, the pending claims are amended to be commensurate in scope with the showing of unexpected results.

Specifically, as now recited in the amended claim 1, the only pending independent claim, the "at least one component is" an oxetane compound (or derivative thereof), or an ortho-ester compound or an alcohol compound or a mixture of any of these compounds. Furthermore, the

DERKS-- 10/042,286 -- Amendment filed June 28, 2004  
Client/Matter: 121640-40283274  
Page 7

amount of the neutralizing system, which comprises the at least one component, is used in an amount of 300 mol% or less based on the total amount of acids. Still further, the acids are selected from sulfuric or phosphoric acids or monoesters thereof, or para-toluene sulfonic acid, benzene sulfonic acid, styrene sulfonic acid or methane sulfonic acid.

Accordingly, it is respectfully submitted that the showing acknowledged by the Examiner as exhibiting unexpected results, is commensurate with the breadth of the amended claim 1 and the claims dependent thereon.

Since all objections and rejections have been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited.

If any issues remain outstanding and which may be resolved through telephone contact, the Examiner is kindly invited to contact Applicants' undersigned counsel at the phone number indicated below.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Please charge any fees associated with the submission of this paper to Deposit Account Number 503-121. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

MAYER, BROWN, ROWE & MAW LLP



Richard A. Steinberg

Reg. No.: 26,588

Tel. No. (202) 263-3325

Fax No. (202) 263-5325

Mayer, Brown, Rowe & Maw LLP  
Intellectual Property Group  
1909 K Street  
Washington, D.C. 20006-1101  
Customer No.: 000043569